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Attorney for Defendant
SIMEON HERNANDEZ-ORTIZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 1:20-cr-00039-DAD-BAM
)	
Plaintiff,)	STIPULATION AND ORDER TO
)	CONTINUE STATUS CONFERENCE, AND TO
vs.)	EXCLUDE TIME
)	
SIMEON HERNANDEZ-ORTIZ)	Date: May 26, 2020
)	Time: 1:00 p.m.
Defendants.)	Judge: Hon. Barbara A. McAuliffe
)	

IT IS HEREBY STIPULATED by and between McGregor W. Scott, United States Attorney, through Kathleen A. Servatius, Assistant United States Attorney, attorney for Plaintiff, and Ruzanna Poghosyan, attorney for defendant, Simeon Hernandez-Ortiz, that the status conference scheduled for March 23, 2020 be vacated and continued to May 26, 2020 at 1:00 p.m.

The Government has produced initial discovery, including audio/video files. Defense counsel requires additional time to review the discovery, to conduct additional investigation and legal research, and to confer with her client about how to proceed in this case.

Based upon the foregoing, the parties agree time under the Speedy Trial Act should be excluded as of March 16, 2020, the date of the parties' stipulation, through and including May 26, 2020; pursuant to 18 U.S.C. §3161 (h)(7)(A) and (B)(iv)[reasonable time to prepare]. The requested date represents the time necessary for preparation in the case and further investigation,

1 The failure to grant the requested continuance would unreasonably deny the defendants
2 continuity of counsel, and unreasonably deny both the defendants and the government the
3 reasonable time necessary for effective preparation, taking into account the parties' due diligence
4 in prosecuting this case. 18 U.S.C. Section 3161(h)(7)(B)(iv). Based on the above-stated
5 findings, the ends of justice served by continuing the case as requested outweigh the interest of
6 the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.
7 Therefore, the parties request that the Court exclude the time until the new trial date from
8 calculations under the Speedy Trial Act.

9 DATED: March 16, 2020

Respectfully submitted,

10 RUZANNA POGHOSYAN
11 RP DEFENSE LAW, APC

12 /s/ Ruzanna Poghosyan
13 RUZANNA POGHOSYAN
Attorney for SIMEON HERNANDEZ-ORTIZ

14 DATED: March 16, 2020

15 MCGREGOR W. SCOTT
United States Attorney

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17 /s/ Kathleen A. Servatius
18 KATHLEEN A. SERVATIUS
Assistant United States Attorney

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ORDER

IT IS HEREBY ORDERED, the Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court specifically finds the failure to grant a continuance in this case would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interests of the public and defendants in a speedy trial.

The Court orders from the time of the parties' stipulation, March 16, 2020, up to and including May 26, 2020, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) [reasonable time for counsel to prepare]. It is further ordered the March 23, 2020 status conference shall be continued until **May 26, 2020, at 1:00 p.m.** before Magistrate Judge Barbara A. McAuliffe.

IT IS SO ORDERED.

Dated: **March 17, 2020**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE